REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-15 are pending and stand rejected.

Claims 7, 10 and 14 have been amended.

Claims 7 and 14 are object-to for containing informalities.

Applicant thanks the examiner for his observation and has amended the claims as suggested.

For at least this reason applicant respectfully requests that the objection be withdrawn.

Claims 1-5 and 7-14 stand rejected under 35 USC 112, first paragraph as failing to comply with the written description requirement. The Office Action alleges that the specification fails to provide adequate disclosure of the elements "wherein an encoding rate of the second lower level quantization is not varied to accommodate an encoding rate of the first high level," as claimed in claims 1, 4, 7, 8, 11 and 14 and "wherein a threshold is provided to determine whether an 8x8 DCT block is to be encoded at a first high level of quantization or a second lower level of quantization," as claimed in claims 7, 8 and 14.

Applicant disagrees with the statements made in the Office Action regarding the use of a threshold determining whether a DCT block is to be encoded at a first or second level of quantization, as it is clear from the written description that a determination of a foreground or background block is made by comparison to a threshold and that the blocks are encoded at a first or second level based on the determination.

However, claim 7 has been amended to clearly state that "wherein a threshold is provided to determine whether an 8 X 8 DCT block is to be indicated to be encoded at a first high level of quantization or indicated to be encoded at a second lower level of quantization." Claims 7 further states an "an encoder coupled to the foreground extractor which encodes the [[the]] DCT blocks at a first high level of quantization or at a second lower level of quantization relative to said first high level of quantization as indicated ..."

Thus, claim 7, as amended, more clearly states that the threshold is used to provide an indication as to which level a block is to be encoded and the encoder uses this indication to determine whether to encode at the first or second level.

With regard to claims 8 and 14, these claims state "a threshold is provided to indicate whether a 8x8 DCT block is to be encoded at a first high level of quantization or a second lower level of quantization; and encoding the DCT blocks at a first high quantization level or at a second lower quantization level relative to said first high level of quantization, as indicated ..." Thus, claims 8 and 14 clearly state that an indication is made based on the threshold and the indication is provided to the encoder, which uses the indication to determine the level of encoding.

Hence, contrary to the statement made in the Office Action that "[i]n order [sic] words, while a threshold is used to classify the DCT blocks as either foreground or background blocks, no threshold is used for determining whether a block or DCT block is to be encoded at the first high level of quantization or the second level of quantization" (see OA, page 4, lines 15-18), applicant submits that the claims clearly recite that an indication is provided to the encoder based on the threshold and the indication is used to determine whether to encode at one level or the other.

With regard to the claim element "wherein an encoding rate of the second lower level of quantization is not varied to accommodate an encoding rate of the first high level, applicant submits that the written description teaches that the threshold value used to distinguish between foreground and background images may vary as the bit rate capacity of the channel varies" (page 6, line 15-20) and "[t]he result is most of the bandwidth of the channel is dedicated to the foreground information and only a small portion allocated to the background information (page 7, lines 9-11). Hence, the written description teaches that as the channel bandwidth varies, the threshold used to determine foreground and background blocks varies and, thus, what is determined to be foreground and background information varies. Hence, the encoding rate of the background information is not varied to accommodate the foreground information.

With regard to the remaining claims, these claims ultimately depend from the independent claims, which have been shown to contain subject matter disclosed in the

written description sufficient for one skilled in the art to practice the invention claimed. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the aforementioned claims.

Claims 10 and 14 stand rejected under 35 USC 112, second paragraph as being indefinite.

Applicant thanks the Examiner for his observation and has amended the claims to correct the errors noted.

Having amended claims 10 and 14 to correct the errors noted, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claim 15 stands rejected under 35 USC 103(a) as being unpatentable over Stenger in view of Katata, both of which are of record. In supporting the rejection, the Office Action states "Stenger does not particularly disclose, though, a processor which executes the process steps stored in memory ...wherein a threshold is provided to determine whether a block is to be encoded as a foreground ... DCT block and to encode the foreground ... DCT blocks of coefficients at a first high level of quantization and to encode remaining ... DCT blocks of coefficients at a second lower level of quantization as claimed in claim 15. However, Katata ... discloses an image encoder ... and teaches the conventional use of a DCT block transformer ... coupled to a foreground extractor (i.e., 101, 102 of Figure 1 and see column 4, line 45 to column 5, line 4) for providing foreground and background DCT blocks of coefficients, thereby providing a threshold to determine whether a block is to be encoded as a foreground DCT block and an encoder coupled to the DCT block transformer which encodes the foreground ...DCT blocks ... at a first high level ... and which encodes background (remaining) ... DCT blocks ... at a second lower level ..." (see OA, page 6, lines 16).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

The instant invention as recited in claim 1 states the claim limitation ""wherein a threshold is provided to determine whether an ...DCT block is a foreground block or a background block..."

Katata teaches an "image encoder for encoding image data so as to make the image quality of a selected area better than that of the other areas without increasing the amount of data ... The encoder comprises an area selecting section for selecting a specific area in an image, an area position and shape encoding section ... and performing control so that the image quality of the area is encoded more preferably than the image quality of the other areas." (see Abstract).

Accordingly, Katata, which is cited to teach the above referred-to claim limitation, teaches the selection of an area and then coding the selected area differently that the remaining unselected area. Katata fails to disclose or suggest that the area is a foreground area or a background or that a threshold value is used to determine the area. Rather Katata teaches that the area is one that is simply selected. For example, Katata teaches that "[a]ccording to a first aspect ... the area is rectangular," (see col. 3, lines 22-23), "[a]ccording to a second aspect ... the area has an arbitrary shape," (see col. 3, lines 27-28), "[a]ccording to a third aspect .. the area is rectangular and the area position and shape decoding means decodes the position data of the area from data based on the size of a pixel and decodes the size data of the area from data based on the size of the block." (see col. 3, lines 34-40). The fourth, fifth and sixth aspects of the Katata device (see col. 3, lines 41-59) similarly disclose a known shape and a determination of the position of the shape.

Contrary to the statements made in the Office Action, Katata fails to disclose a threshold value used to distinguish a foreground pixel element from a background pixel element, as is recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the

reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, the Office Action acknowledges that Stenger fails to disclose a material element of independent claim 1 and it has been shown herein that Katata fails to teach or suggest the element found to be deficient in the teachings of Stenger. Hence, even if the teachings of Stenger and Katata were combined, the combined device would provide for a selectable area to be more preferably encoded at on rate of another area. But the combined device would not use a threshold to determine which pixel elements are to be included in the selected area.

For at least this reason, applicant submits that the rejection of claim 1 has been overcome and respectfully requests withdrawal of the rejection.

Claims 1-5, and 7-14 stand rejected under 35 USC 103(a) as being unpatentable over Stenger and Katata and further in view of Vogel, Monro, and Chun, all of record.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

In this case, it has been shown that the combination of Stenger, and Katata is deficient in reciting a material element of the invention as recited in claim 15, which discloses subject matter similar to that of the remaining independent claims. Contrary to the statements made in the Office Action, neither Monro, Vogel nor Chun provides any teaching or suggestion to correct the deficiency found to exist in the combination of Stenger and Katata.

Hence, the combined device of Stenger, Katata, Vogel, Monro and Chun fails to teach all the features recited in the independent claims.

Accordingly, the inventions recited in the independent claims are not rendered obvious by the teachings of the cited reference as the combined device fails to recite all the elements claimed in independent claims.

For at least this reason, applicant submits that the reason for the rejection has been overcome and respectfully requests withdrawal of the rejection.

The other claims in this application are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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